

Notice of Allowability

Application No.

10/527,298

Examiner

Ling-Siu Choi

Applicant(s)

MORINI ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 10/23/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is in response to the Amendment and the Declaration, both being filed October 23, 2006. Claims 1-20 are now pending.

Allowable Subject Matter

2. Claims 1-20 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Mao et al. (US 4,784,983 \cong US 6,376,417 B1).

Summary of claim 1:

A solid catalyst component obtained by the process comprising the following steps:	
a	dissolving a halide of magnesium in a solvent system [an organic epoxy compound or an organic phosphorus compound and optionally an inert diluent]
b	mixing the solution of step(a) with a titanium compound to form a mixture
c	precipitating a first solid from the mixture of step (b) in the presence of a <u>succinate</u> <u>an auxiliary precipitant, or mixtures thereof</u>
d	if a succinate is not used in step (c), contacting the first solid of step (c) with a succinate to form a second solid, and
e	treating the solid of step (c) or (d) with a titanium compound, optionally in the presence of an inert diluent

Mao et al. disclose a catalyst for olefin polymerization, comprising (1) a catalyst component, (2) an organic aluminum compound, and (3) an organic silicon compound, wherein the catalyst component obtained by the steps of (A) dissolving a magnesium halide compound in a solvent mixture of an organic epoxy compound and an organic phosphorus compound to form a homogeneous solution, (B) mixing the homogeneous solution with a liquid titanium tetrahalide, (C) adding at least one auxiliary precipitant to form a precipitate, (D) adding at least one polycarboxylic acid ester, and (E) separating the precipitate from the mixture and treating the separated precipitate with titanium tetrahalide or a mixture of titanium tetrahalide in an inert diluent (claim 1). Mao et al. further disclose that the polycarboxylic acid esters suitable for the invention are listed in lines 22-36 of column 4, wherein the succinate is not included. Attention is drawn to Example 1, wherein the polycarboxylic acid ester is exemplified to be diisobutyl phthalate. However, Mao et al. do not teach or fairly suggest a solid catalyst component obtained by the process comprising (c) precipitating a first solid in the presence of a succinate, an auxiliary precipitant, or mixtures thereof and (d) if a succinate is not used in step (c), contacting the first solid of step (c) with a succinate to form a second solid.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

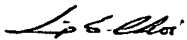
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



LING-SUI CHOI
PRIMARY EXAMINER

December 20, 2006